

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Criminal Action No.
) 13-03041-01/02-CR-S-DGK
)
 BRUCE CONANT and)
 RENDY CONANT,)
)
 Defendants.)

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held via videoconference in the above-entitled cause before me on April 2, 2014. Defendant Bruce Conant appeared in person and with retained counsel Donald Cooley. Defendant Rendy Conant appeared in person and with retained counsel Tyce Smith. The United States of America appeared by Assistant United States Attorney Ami Miller.

I. BACKGROUND

On May 8, 2013, an indictment was returned charging Defendant Bruce Conant with one count of conspiracy to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii), one count of possession with the intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii) and 18 U.S.C. § 2, one count of possessing a firearm in furtherance of drug trafficking crimes, in violation

of 18 U.S.C. § 924(c)(1)(A), one count of being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), and two forfeiture counts. Defendant Rendy Conant was charged with one count of conspiracy to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii), one count of possession with the intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii) and 18 U.S.C. § 2, and one count of criminal forfeiture.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Ms. Miller announced that she will be the trial counsel for the government; April McGall will assist. The case agent to be seated at counsel table is Tim Krisk.

Mr. Cooley announced that he will be the trial counsel for Defendant Bruce Conant.

Mr. Smith announced that he will be the trial counsel for Defendant Rendy Conant. Mr. Smith may have an assistant who is yet to be identified.

III. OUTSTANDING MOTIONS

There following motions remain pending:

- Defendant Bruce Conant's motions to suppress (Doc. Nos. 46, 47), *Report and Recommendations filed 02/10/14 and 03/20/14 (Doc. Nos. 77, 85)*;
- Defendant Rendy Conant's motion to quash (Doc. No. 39), *Report and Recommendations filed 02/10/14 and 03/20/14 (Doc. Nos. 78, 85)*; and
- Defendant's amended motion to quash/suppress (Doc. No. 52), *Report and Recommendations filed 02/10/14 and 03/20/14 (Doc. Nos. 78, 85)*.
- Defendant Rendy Conant's Motion that the District Court Rule on her Motion for a Franks Hearing, Supplemental Motion for a Franks Hearing

and Defendant's Motion to Supplement Motion Denied by the Magistrate Judge Without the District Court (Doc. No. 95), *filed 04/02/14*.

IV. *TRIAL WITNESSES*

Ms. Miller announced that the government intends to call 20 witnesses without stipulations or 13 witnesses with stipulations during the trial.

Mr. Cooley announced that Defendant Bruce Conant does not intend to call any witnesses during the trial. Defendant Bruce Conant may testify.

Mr. Smith announced that Defendant Rendy Conant does not intend to call any witnesses during the trial. Defendant Rendy Conant may testify.

V. *TRIAL EXHIBITS*

Ms. Miller announced that the government will offer approximately 150 (50 photographs) exhibits in evidence during the trial.

Mr. Cooley announced that Defendant Bruce Conant will not offer any exhibits in evidence during the trial.

Mr. Smith announced that Defendant Rendy Conant will not offer any exhibits in evidence during the trial.

VI. *DEFENSES*

Mr. Cooley announced that Defendant Bruce Conant will rely on the defense of general denial.

Mr. Smith announced that Defendant Rendy Conant will rely on the defense of general denial.

VII. *POSSIBLE DISPOSITION*

Mr. Cooley stated this case is definitely for trial.

Mr. Smith stated this case is definitely for trial.

VIII. *STIPULATIONS*

Stipulations are not likely.

IX. *TRIAL TIME*

Counsel were in agreement that this case will take 2-3 days to try.

X. *EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS*

The U. S. Magistrate Judge ordered:

That counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by or before April 2, 2014;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon on April 9, 2014;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon on April 9, 2014. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. *UNUSUAL QUESTIONS OF LAW*

Motions in limine on the following issues will probably be filed regarding newly designated witnesses. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendants were informed that this case will be listed for trial on April 14, 2014.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
April 2, 2014

cc: Mr. Kevin Lyon